

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CSX CORPORATION,

Plaintiff,

v.

THE CHILDREN'S INVESTMENT FUND  
MANAGEMENT (UK) LLP, THE CHILDREN'S  
INVESTMENT FUND MANAGEMENT  
(CAYMAN) LTD., THE CHILDREN'S  
INVESTMENT MASTER FUND, 3G CAPITAL  
PARTNERS LTD., 3G CAPITAL PARTNERS,  
L.P., 3G FUND, L.P., CHRISTOPHER HOHN,  
SNEHAL AMIN AND ALEXANDRE  
BEHRING, A/K/A ALEXANDRE BEHRING  
COSTA,

Defendants.

ECF Case

08 Civ. 02764 (LAK) (KNF)

**NOTICE OF PLAINTIFF'S MOTION  
IN LIMINE TO EXCLUDE THE  
TESTIMONY OF PETER C. HARKINS**

THE CHILDREN'S INVESTMENT MASTER  
FUND,

Counterclaim and Third-Party Plaintiff,

v.

CSX CORPORATION AND MICHAEL WARD,

Counterclaim and Third-Party Defendants.

3G CAPITAL PARTNERS LTD., 3G CAPITAL  
PARTNERS, L.P. AND 3G FUND, L.P.

Counterclaim and Third-Party Plaintiffs,

v.

CSX CORPORATION AND MICHAEL WARD,

Counterclaim and Third-Party Defendants.

Please take notice that upon the accompanying Memorandum of Law and all prior pleadings and proceedings had herein, Plaintiff CSX Corporation will move this Court before the Honorable Lewis A. Kaplan, United States District Judge, at the Daniel Patrick Moynihan United States Courthouse located at 500 Pearl Street, New York, New York, on a date and at a time to be determined by the Court, to exclude the testimony of Peter C. Harkins.

Dated: May 20, 2008  
New York, NY

Respectfully submitted,

**CRAVATH, SWAINE & MOORE LLP,**

by

/s/ David R. Marriott

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